

REMARKS

Claims 9 and 11-18 are pending in this application. Claims 13-16 are withdrawn. By this Amendment, claim 9 is amended to incorporate the subject matter of claim 10 and claim 10 is canceled. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments place the application in condition for allowance (for the reasons discussed herein) and do not raise any new issue requiring further search and/or consideration because the amendment merely incorporates the previously examined subject matter of claim 10 into claim 9. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Office Action rejects claims 9-12, 17 and 18 under 35 U.S.C. §103(a) over WO 01/16049 to Beall in view of U.S. Patent No. 5,069,697 to Hamaguchi et al. ("Hamaguchi"). This rejection is respectfully traversed.

Claim 9 recites "mixing and kneading at least an aggregate particle material composed of a ceramic and/or a metal, water, an organic binder, a pore former that differs in composition from said organic binder, and colloidal particles to form clay." The Office Action asserts that page 8, lines 8-9 of Beall disclose using colloidal silica. As such, the Office Action asserts that Beall discloses the recited colloidal particles.

Beall discloses a binder system in which there are 100 parts by weight of the "inorganic, alumina and silica forming sources and talc, raw material mixture." See page 9, lines 16-21 of Beall. This combination of components is allegedly equivalent to the recited aggregate particle material of claim 9. Beall further discloses colloidal silica as one of the above mentioned silica forming sources. Thus, the colloidal silica disclosed by Beall is used as part of the alleged aggregate particle material.

By contrast, claim 9 recites mixing both aggregate particle material and colloidal particles to form the clay. In other words, the aggregate particle material and the colloidal particles are two separate claim elements. The colloidal particles are a distinct super-additive. This can be demonstrated based on the claim language of claim 9. Claim 9 recites that clay contains 0.1 to 10 parts by mass of the colloidal particles with respect to 100 parts by mass of the aggregate particle material. Thus, the claim makes clear that the colloidal particles and the aggregate particle material are separate elements.

As discussed above, Beall does not disclose adding colloidal particles as a super-additive. Beall only allegedly discloses using colloidal silica as part of the aggregate particle material. As such, Beall does not disclose each and every feature of claim 9, as amended.

Furthermore, the combination of Beall and Hamaguchi lacks merit, because Beall does not disclose or suggest a need for a pore-forming agent. Beall discloses that excellent results have been obtained utilizing a binder system comprising the raw material mixture; sodium stearate; a methylcellulose or hydroxypropyl methylcellulose binder; and water. See page 9, lines 16-21 of Beall. There is no mention of a pore-forming agent, nor of a need for one. Thus, Applicant respectfully asserts it is merely hindsight to assert that it would have been obvious to improve the binder system of Beall with a pore-forming agent.

For at least the above reasons, the rejection of claims 9-12, 17 and 18 lacks merit. Accordingly, withdrawal of the rejection of claims 9, and claims 11, 12, 17 and 18 depending therefrom, is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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